

From: Signo, John
Sent: Monday, October 12, 2015 4:20 PM
To: CEQA Guidelines@CNRA
Cc: Lovell, Christine
Subject: CEQA Guideline Update

Thank you for the opportunity to comment on the preliminary discussion draft of changes to the Guidelines Implementing the California Environmental Quality Act (CEQA). We are pleased that OPR is updating the guidelines to respond to specific statutory directives to address new topics and case law. We do have questions regarding the rules on tiering and deferral of mitigation details.

The discussion draft does not specify the length of time a program EIR may be tiered. Are there standards or guidelines available that help municipalities determine if a program EIR is still valid or needs updating? If a project complies with all aspects of a specific plan and the program EIR, but the specific plan happens to be 5, 10, 20+ years old, can the program EIR still be relied upon?

In regards to deferral of mitigation details, is there a rule of thumb in determining how broad or specific a mitigation measure can be for it to still be valid? Should the municipality list all possible mitigation alternatives that may be considered (even though not all may be used)? Should the list only contain required measures with performance standards that trigger when those measures must be applied? For example, measures 1-3 may be required at the start of the project; measures 4-7 may be required when the project is 50% complete (which may be 5 years later); and measures 8-10 may be required when the project is nearing full completion (10 years from the start of construction).

Thank you for your consideration to this matter. We know there may be many more odd scenarios and what-ifs, but we appreciate your efforts in updating the guidelines and keeping us involved in the process.